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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,726	11/29/2001	Andrew William Hull	PN01002AA/10-34	1851
51874	7590	03/31/2006	EXAMINER	
LAW OFFICES OF CHARLES W. BETHARDS, LLP			LE, LANA N	
P.O. BOX 1622			ART UNIT	
COLLEYVILLE, TX 76034			PAPER NUMBER	
			2618	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,726

Applicant(s)

HULL, ANDREW WILLIAM

Examiner

Lana N. Le

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Sallinen et al (WO01/06,799A1).

Regarding claim 1, Sallinen et al disclose a method of connecting service acquisition in a wireless local area network device, the method including the steps of:

determining a parameter (location, time, etc.) that corresponds to a present environment for the WLAN device (page 3, lines 44-62);

comparing said parameter to a predetermined value (predetermined visitor number) to provide a comparison, said predetermined value defining, in part an environment (location) where service for the WLAN device is desirable, the service provided from a second WLAN device (page 5, lines 1-10; page 9, lines 9-17);

analyzing said comparison according to a rule (visitor access requirement) to provide a decision (page 5, lines 1-10; page 9, lines 9-17);

enabling a service acquisition mode when the decision is favorable (allowing connection to a local service if the call attempt meets the visitor access requirement (page 9, lines 9-17); and

foregoing said service acquisition mode when the decision is unfavorable (not authorizing connection to a local service if the call attempt does not meet the visitor access requirement (page 9, lines 9-17).

Regarding claim 2, Sallinen et al disclose the method of claim 1 wherein said step of determining a parameter includes determining a location of the WLAN device (page 3, lines 26-31; page 4, lines 26-29; page 9, line 30 - page 10, line 3).

Regarding claim 3, Sallinen et al disclose the method of claim 2 wherein said determining said location uses one of a cellular zone (location registration within a cell region), a global position system (GPS), and a signal strength measurement (page 6, line 23 – page 7, line 7; page 9, line 30 - page 10, line 3).

Regarding claim 4, Sallinen et al disclose the method of claim 1 wherein determining a time (time at connection attempt) the WLAN device (page 3, lines 26-31; page 4, lines 26-29).

Regarding claim 5, Sallinen et al disclose the method of claim 1 wherein Sallinen et al disclose said step of determining a parameter includes determining a state (identity of a known WLAN device) relevant to the WLAN device (page 3, lines 26-31).

Regarding claim 6, Sallinen et al further disclose the method of claim 5 where the determining the state includes one of detecting a need for service (attempt to acquire service connection) and a reference to a schedule database (HLR, VLR; page 6, line 31 – page 7, line 29).

Regarding claim 7, Sallinen et al disclose the method of claim 1 wherein the step of determining a parameter includes determining a combination (location and/or other information) of location, time, and state for the device (page 3, lines 26-31).

Regarding claim 8, Sallinen et al further disclose the method of claim 1 further including a step of providing the predetermined value (predetermined visitor criterion) for the WLAN device (page 3, lines 26-31).

Regarding claim 10, Sallinen et al further discloses the method of claim 8 wherein providing the predetermined value includes memorizing (within VLR and HLR) one of a location, time, and state when service has been acquired (page 6, line 31 – page 7, line 29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al (WO01/06,799A1) in view of Amitay et al (US 5,684,801).

Regarding claim 9, Sallinen et al further discloses the method of claim 8 wherein Sallinen et al do not disclose providing the predetermined value includes programming the WLAN device with one of a location, time, and state. Amitay et al disclose

Art Unit: 2618

providing the predetermined value includes programming the WLAN device with one of a location, time, and state (col 4, lines 47-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to program the WLAN device in order to lessen the need for the network element to calculate the location, time and state of the mobile to provide faster service access.

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Regarding independent claim 1, applicant states the mobile phone of the reference, Sallinen et al is not considered a WLAN device. However, as disclosed in the reference, page 6, lines 16-20 of Sallinen et al, the network in which the mobile subscribers obtain service is a PLMN comprising a local area cellular network 8 such as CUG, ... WLAN. Therefore, the mobile phone of Sallinen et al is also considered to be a WLAN device. Second, applicant argues that the claim deal with a method for service acquisition attempt which is done before call connection is established where it is not clear what applicant mean by the phone being in the network before service acquisition. Sallinen et al disclose a method for call connection attempt to acquire service which is done before call connection is established. For claim 9, since Sallinen already discloses a WLAN device, the programming of the device thereof in combination with Amitay renders the claim obvious for the reason as set forth in claim 9. Therefore, the

method claim for service acquisition not specifically showing the steps are done in a mobile phone in claims 1-10 are rejected for the same reason as set forth in the previous office action filed 10/17/05.

Allowable Subject Matter

6. Claims 11-21 are allowable over the cited prior art.
7. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 11, it is allowable for the reason as set forth in applicant's remarks, page 6, lines 8–20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2618

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lana N. Le
03-27-06
LANA LE
PRIMARY EXAMINER

Lana Le